

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF SCOTT M.) APPEAL NO. 07-A-2705
THOMPSON from the decision of the Board of) FINAL DECISION AND
Equalization of Valley County for the tax year 2007.) ORDER

RESIDENTIAL PROPERTY APPEAL

NOTICE OF APPEAL was filed September 24, 2007, by Appellant, from a decision of the Valley County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. XR000340030060. As a matter of convenience, Appellant requested that this appeal be heard on the written record of evidence and argument presented, without appearance at a hearing. This Board subsequently requested that all information and evidence to be considered be submitted by both parties. The Board now issues its decision based upon the documentary record.

The issue on appeal is the value of a residential property.

The decision of the Valley Board of Equalization is affirmed.

FINDINGS OF FACT

The total assessed land value is \$118,190. Appellant requests the land value be reduced to \$63,140.

The subject property is 0.344 average grade acres located in the Cedar Knoll Acres of Amended Payette Lake Cottage Sites subdivision in McCall, Idaho. Subject has a local view with level topography.

Appellant alleged the assessed market value of subject was erroneous. Subject is used only four months of the year and is without water and sewer. The improvement on subject is a cabin over fifty years old, with no foundation, that has begun to sink into the ground. Appellant asserted because the improvement will eventually be "scrapped", the value of subject should go

down each year.

Taxpayer asserted in the past twelve months several lease properties were placed on the market at their assessed values and have not sold.

The Assessor submitted four (4) sale properties to support the assessed value of subject. The properties ranged in size from 0.226 to 0.931 acres and in sale price from \$113,090 to \$125,900. The sale prices were compared to their assessed values which indicated an assessment level or ratio of 61%

The County stated the assessed values for the 2007 tax year were based on market value and derived from a model developed using sales data of similar properties located in comparable neighborhoods in the county. Assessor stated property values had shifted significantly in recent years in a strong, upward trend, which continued through 2006. The County maintained assessed values were applied to properties uniformly.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following conclusions.

Idaho is a market value state for property tax purposes.

Idaho Code § 63-201. Definitions --

(10) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing sell, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The County submitted sales to support the increase in the assessed value of subject.

The sales occurred in 2006 and ranged in price from \$113,090 to \$125,900. The properties ranged in size from .226 to .931 acres.

Appellant offered no sales or other value evidence for the Board to consider.

“The value of property for purposes of taxation as determined by the assessor is presumed to be correct; and the burden of proof is upon the taxpayer to show by [a preponderance of the] evidence that he is entitled to the relief claimed.” Board of County Comm’rs of Ada County v. Sears, Roebuck & Co., 74 Idaho 39, 46-47, 256 P.2d 526, 530 (1953).

In this case, we find Appellant has not demonstrated by a preponderance of the evidence that a reduction in subject assessed value is warranted.

Therefore, the Board affirms the decision of the Valley County Board of Equalization.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Valley County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED APRIL 30, 2008